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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1038 (1996)

I. INTRODUCTION

1. By paragraph 1 of its resolution 1038 (1996) of 15 January 1996, the Security Council decided to authorize the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension there.

2. The present report is submitted pursuant to paragraph 2 of the same resolution, by which the Council requested me to submit by 15 March 1996 a report for its early consideration on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement that would resolve their differences peacefully, and on the possibility that the existing mandate might be extended or that another international organization might assume the task of monitoring the demilitarization of the Prevlaka peninsula.

3. In my report pursuant to Security Council resolutions 1025 (1995) and 1026 (1995), I stated my intention to maintain 28 United Nations military observers in the Prevlaka area, under the command and direction of a chief military observer, who would report directly to United Nations Headquarters in New York (S/1996/83). The mission would be known as the United Nations Mission of Observers in Prevlaka (UNMOP).

4. The United Nations military observer operation in Prevlaka has become a separate mission under the command of Colonel Goran Gunnarsson of Sweden. UNMOP has continued to carry out daily patrols and to conduct regular weekly meetings with local military and police commanders in Dubrovnik and Herceg-Novi. The Chief Military Observer and his Deputy have also attended meetings at a higher level with political, religious and cultural leaders in the area and with general staff officers in Zagreb and Belgrade in order to promote confidence and improve the prospects for a solution.

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* Reissued for technical reasons.

II. THE SITUATION IN THE PREVLAKA PENINSULA

5. In July 1992, I had informed the Council that, with the assumption of responsibility by the United Nations Protection Force (UNPROFOR) in the United Nations Protected Areas (UNPAs), the Yugoslav People's Army (JNA) was required to withdraw from all other areas in Croatia (S/24353). While some withdrawal took place following the arrival of UNPROFOR, JNA forces continued to remain in the Dubrovnik area despite repeated efforts by UNPROFOR to secure their withdrawal. In meetings with the Belgrade authorities, the then Force Commander, Lieutenant General Satish Nambiar, had been informed that, in view of the strategic importance of the Prevlaka peninsula east of Dubrovnik, which controls the entrance to the Gulf of Kotor, the JNA withdrawal would be contingent on the demilitarization of the Prevlaka peninsula and on a guarantee that Croatian heavy weapons would not be located in proximity to it. As indicated in paragraph 11 of my report to the Council of 27 July 1992 (S/24353), the Belgrade authorities requested an UNPROFOR presence in the area to ensure its demilitarization until the case they had submitted to the European Community's Conference on Yugoslavia on the delineation of State borders in this area was resolved as part of an overall political settlement, or until a decision was taken on the matter by the International Court of Justice.

6. In my report of 28 September 1992 (S/24600), I noted that, following subsequent discussions conducted by UNPROFOR on this matter, a proposal elaborated by UNPROFOR was finally accepted by both sides. Under this agreement, the Yugoslav Army (as the JNA was by then called) would withdraw completely from Croatia, Prevlaka would be demilitarized and heavy weapons would be removed from neighbouring areas of Croatia and Montenegro. The agreement was based on the concept of the establishment of a demilitarized zone on either side of the Croatian/Montenegro border (a "blue zone") and an area free of heavy weapons and fortifications ("yellow zone"). Implementation of the agreement would be monitored by UNPROFOR and/or the European Community Monitoring Mission (ECMM). The Security Council, by its resolution 779 (1992) of 6 October 1992, authorized UNPROFOR to assume responsibility for monitoring the arrangements agreed upon for the Prevlaka peninsula. By a letter of 21 October 1992 (S/24710), I advised the Council that the Yugoslav Army had completed its withdrawal from all Croatian territory in compliance with the plan approved by the Council, and UNPROFOR military observers were stationed on the Prevlaka peninsula, where the United Nations flag was flying.

7. At present, although the situation in the Prevlaka peninsula remains stable, there continue to be provocations from both sides. UNMOP monitoring of the Prevlaka demilitarized zone has been seriously disrupted because of a number of violations within the "blue zone" - an area intended to be controlled exclusively by the United Nations and to which both parties were to be denied access. Within this area, four positions have been permanently manned and one position intermittently manned by Croatian special police forces. These positions have been developed as military-type fortifications with emplacements that are suitable for the positioning of tanks and other heavy weapons. Access by UNMOs to Croatian positions has been consistently denied, limiting the ability of the observers to monitor the area in accordance with their mandate. In addition, the laying of mines in two areas on the Croatian side has threatened the safety and seriously restricted the movement of the military

observers. On the Montenegrin side, a special police check-point has been permanently manned since October 1994. Montenegrin authorities have maintained that this check-point was established in retaliation for the erection of a Croatian check-point at Cipavica in September 1994.

8. Both parties continue to dispute the nature and extent of the yellow zone and to construct field defence fortifications within it. In general these fortifications consist of mutually supporting strong points with overhead protection sited in depth. The stronger positions contain a number of bunkers with wide fields of fire, accommodation bays and, in some cases, mortar-firing positions. Minefields are marked as having been laid in front of the forward positions. Some of the positions are occupied by special police and others are unmanned. Both sides are present in the northern part of the yellow zone. On the Croatian side, military units have been positioned in the Dubravka area and the presence of tanks, artillery and anti-aircraft guns has been reported by United Nations military observers. With the permanent restriction of movement in one area on the Montenegrin side, the dispositions of Yugoslav forces are uncertain. However, UNMOP believes that significant elements are present.

III. PROGRESS TOWARDS A SETTLEMENT

9. Prior to his departure from the mission area, my Special Representative, Mr. Kofi Annan, visited Prevlaka and held discussions with President Bulatovic of the Republic of Montenegro, President Milosevic of the Republic of Serbia and President Tudjman of the Republic of Croatia. In a meeting with my Special Representative on 1 March 1996, President Tudjman maintained that, historically, Prevlaka had been Croatian territory and that there was no question of disputing Croatia's sovereignty, changes of borders or territorial negotiations. None the less Croatia was ready to discuss with the Federal Republic of Yugoslavia all aspects concerning Prevlaka and had presented a number of proposals for decreasing tension and solving the issue through bilateral negotiations.

10. In the course of a meeting between my Special Representative and President Milosevic of Serbia on 28 February 1996, the latter indicated that Prevlaka remained the only unresolved bilateral issue with Croatia. However, the Serbian side was prepared to work on a "bridging" solution that would facilitate normal, but not fully normalized, relations with Croatia. In a meeting with Mr. Annan on 27 February 1996, President Bulatovic of Montenegro stated that he was committed to a negotiated settlement but that, pending that settlement, the status quo should be maintained. Montenegro was intending to respond to a set of Croatian proposals on Prevlaka and was ready to talk constructively about proposals for joint infrastructure development and expansion of the potential for tourism.

11. While all the parties appear committed to a peaceful solution of the Prevlaka issue, they differ on which international organization should monitor the peninsula pending such a solution. Croatian officials have expressed their preference for a mission under the auspices of the Organization for Security and Cooperation in Europe (OSCE), in order to remove the impression, which they believe is created by the United Nations presence, that the area is disputed and under the threat of military confrontation. President Bulatovic has indicated

that OSCE monitoring of the area is not acceptable as long as the Federal Republic of Yugoslavia does not have full membership in that organization. Both Presidents Bulatovic and Milosevic have expressed satisfaction with the present UNMOP mandate and have appealed for its renewal while negotiations with Croatia are continuing. In discussions with OSCE officials, my Special Representative was informed that OSCE would not be in a position to accept responsibility for monitoring the demilitarization of the peninsula in the near future.

IV. OBSERVATIONS

12. The Prevlaka peninsula remains a tense but stable area of potential military confrontation between the Republic of Croatia and the Federal Republic of Yugoslavia. However, all parties have expressed their desire to resolve their differences peacefully by negotiation. The negotiation process has accelerated over the past few months with both sides considering practical confidence-building measures that would decrease tension and allow the full economic and tourist potential of the area to be realized. The parties agree that the presence of international observers is an important reassurance, which contributes to the decrease of tension and to a more positive atmosphere for negotiations, but they do not agree on which organization should perform this task.

13. It is essential that the parties improve cooperation with UNMOP if the Mission is to monitor the demilitarization agreement effectively. Of particular concern are the violations in the blue zone, which have been steadily increasing in recent months. While there are no indications of hostile military action in the area at the present time, I am concerned that, if these violations are allowed to remain unchecked, they could lead to an increase in tension and possible conflict in the area.

14. In the absence of further progress between the parties on a negotiated resolution of their differences, and in the absence of agreement between them on an alternative organization to monitor the area, I consider that the continued presence of UNMOP will contribute to the decrease of tension there.